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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

v.

Plaintiff,

ALEX NGUYEN,

Defendant.

Case No. CR21-182-RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS
DATES

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial and Pretrial Motions Dates." (Dkt. # 15.) Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver (Dkt. # 16), the Court finds as follows:

- 1. The Court adopts the facts set forth in the unopposed motion: in particular, that the government provided two batches of discovery on November 22, 2021 and December 5, 2021 containing over 36,000 Bates stamped pages, and defendant and his counsel require more time to review the evidence, discuss defenses, and conduct an investigation. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).
- 2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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- 3. The Court finds that the additional time requested between January 24, 2022, and the proposed trial date of June 13, 2022, is a reasonable period of delay. The Court finds that this additional time is necessary to provide defense counsel reasonable time to prepare for trial, as defendant has requested more time to prepare for trial, to continue to investigate the matter, to gather evidence material to the defense, and to consider possible defenses. The additional time requested between the current trial date and the new trial date is necessary to provide counsel for the defendant the reasonable time necessary to prepare for trial, considering the facts set forth above.
- 4. The Court further finds that this continuance would serve the ends of justice, and that these factors outweigh the best interests of the public and defendant in a speedier trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).
- 5. Defendant has signed a waiver indicating that he has been advised of his right to a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right and consented to the continuation of his trial to a date up to and including July 5, 2022, Dkt. # 16, which will permit his trial to start on June 13, 2022.

IT IS HEREBY ORDERED that the trial date shall be continued from January 24, 2022 to June 13, 2022, and pretrial motions are to be filed no later than May 2, 2022;

IT IS FURTHER ORDERED that the period of time from the current trial date of January 24, 2022, up to and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq*. The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

DATED this 10th day of December, 2021.

Robert S. Lasnik

United States District Judge

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